

# REAUTHORIZATION OF THE VOTING RIGHTS ACT

Mr. ALLEN. Mr. President, I also want to speak at length on a very important matter that I hope will also come to a vote on the floor of this Senate shortly; and that is the reauthorization of the Voting Rights Act. I am pleased this bill is moving through the committee process, and I commend Chairman ARLEN SPECTER, who is moving on yet another important piece of legislation this session.

The enactment of the Voting Rights Act was absolutely necessary 41 years ago and was initially passed during a very tumultuous time in our country's history. In fact, the Voting Rights Act should have been passed many years before then. But history has proven that the law was just and appropriate to provide equal opportunities and protections to persons with the desire to express themselves at the ballot box.

This is completely consistent with the spirit of the Declaration of Independence. And I believe we are all better off for the choices that were made back 41 years ago. And that has strengthened the fabric of our country. It has helped make us a more perfect union, and made us stronger as a country as we face challenges presently.

The present legislation before us reauthorizes several key sections of the Voting Rights Act that will expire next year if no action is taken. The expiring parts are section 5, section 203, and sections 6 through 9.

This legislation helps ensure the fundamental right of all eligible citizens to vote. It sends a strong message that no matter what your race, religion, gender, or national origin, if you are a law-abiding citizen you have the right to vote. At the core of representative democracy is the participation of informed people. The people are the owners of this Government.

While the U.S. Constitution surely guarantees the right to vote, legislation was and is still necessary to ensure that in practice that guarantee is never diminished. My Commonwealth of Virginia has come a long way since this law was first enacted, and a reauthorization is necessary to ensure this progress continues throughout the United States, from Florida to New York to Alaska.

Now, some will argue that counties and cities and States cannot be removed from or "bail out" of the preclearance aspects of this if they so desire and have a good record on voting rights. Now, the facts are, though, that—and I am just speaking for the Commonwealth of Virginia—11 cities and counties in Virginia have been able to "bail out" of the Voting Rights Act by proving that "no [racial] test or device has been used within such State or political subdivision for the purpose or with the effect of denying or abridging the right to vote on account of race or color." The counties in Virginia that have been removed from preclearance review are—in alphabetical order—Au-

gusta, Frederick, Greene, Pulaski, Roanoke, Rockingham, Shenandoah, and Warren, and the cities of Fairfax, Harrisonburg, and Winchester.

Renewal of the act does not mean that the reauthorizing States still engage in voter discrimination on the basis of race. Renewal should instead be viewed as a continued unflagging commitment to ensuring the protection of a law-abiding persons's right to vote without subversion or unwarranted interference.

The Voting Rights Act is a real and visible commitment made to ensure that voter discrimination will be stamped out and effectively prohibited if and when it does occur. Great strides have been made in ending voter discrimination in all of its forms since the Voting Rights Act was passed. It should also be noted that recognizing and addressing these problems is the appropriate prudent approach. It is responsible rather than ignoring those problems.

Thanks in part to the Voting Rights Act, Virginia was the first State in the Nation to popularly elect the first Governor who is an African American. I hope after this November's elections, Virginia is not still the only State with this record, and that there will be two States that have elected Governors who are African Americans.

Now, the election in Virginia, represented an inspirational success for a person, L. Douglas Wilder, who persevered and won that election. It was also an achievement for a State that only decades earlier had counties that closed their public schools rather than integrate them to comply with the U.S. Supreme Court ruling in *Brown v. Board of education*.

My friend and colleague in the other body, Representative JOHN LEWIS, and I recently returned from a pilgrimage to Farmville, VA, as part of a group organized by the Faith and Politics Institute. During this pilgrimage, and previous pilgrimages I have taken to Birmingham, Montgomery, and Selma, AL, we heard first-hand stories from still-living civil rights leaders and also personal heartbreaking stories from people about the impediments faced by African Americans as they grew up with the racial discrimination that existed at that time.

Now, as we strive for a society where all people are judged by the content of their character rather than by the color of their skin, we must join together in our great country of promise to make sure that everyone has an equal opportunity to participate and to succeed. Reauthorization of the Voting Rights Act is a tool that has, can, and will help achieve this goal of fairness. I am committed and dedicated to ensuring that the voting rights of all law-abiding Americans are protected, and the Voting Rights Act has proven to be an able vessel for accomplishing this important objective.

I urge my colleagues to bring this important piece of legislation to the

Senate floor as soon as practicable this summer so we can debate the issues and amendments and ultimately renew the Voting Rights Act.

Mr. President, I wish my colleagues and all Americans a happy, safe, and patriotic Independence Day. With our friends and families, let's reflect on our foundational values that must be preserved. And a lot of these values need to be preserved from monarchical judges who prevent the pledge of allegiance in schools because of the words "under God," but, on the other hand, allow the desecration of the flag.

We have judges who redefine the institution of marriage, but allow local government officials, in a place like New London, CT, to act like lords—the reason we seceded from the monarchy—among those lords in New London, CT, to take people's homes—the American dream—using eminent domain, not because there was a public purpose of a school or a road to be built, but because they wanted to derive more tax revenue off of that property and that land.

As Senators, let us return to act to secure our borders, develop energy independence, confirm sound judges, and renew the Voting Rights Act to make sure this is a land of opportunity for all.

## MORNING BUSINESS

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO DR. GENE SIMON

Mr. DURBIN. Mr. President, I rise today to pay tribute to a man for whom I have great respect: Dr. Gene Simon.

Tomorrow, June 30, Dr. Simon will retire after 31 years of exceptional service as chief executive officer of Chaddock, a nationally acclaimed, faith-based, child welfare agency in Quincy, IL.

In the New Testament, James, the disciple of Jesus, tells us, "Suppose a brother or sister is without clothes and daily food. If one of you says to him, 'Go, I wish you well; keep warm and well fed,' but does nothing about his physical needs, what good is it? In the same way, faith by itself, if it is not accompanied by action, is dead."

Gene Simon has taken that Bible lesson to heart his whole life. He has taken action. For more than 30 years, he has provided a home and food and clothing for children who might otherwise have had nowhere to turn.

Chaddock serves more than 6,500 people a year—children and families. Many of the young people Chaddock helps are at-risk. Some have endured serious abuse or neglect. Chaddock provides outpatient and residential treatment and the help young people and their families need to heal.

Chaddock was founded in 1853 as a college. Over the years, it has been a boys school and a treatment center for at-risk young people. It opened its doors to girls in 1982.

Chaddock is proud of its history, but it is not bound by that history.

One of the hallmarks of Gene Simon's leadership is his commitment to continual learning and innovation. You can see that at Chaddock.

Chaddock's school and treatment programs are national models for dealing with changing emotional and behavioral needs of children and their families. Chaddock offers a residential treatment program for adolescents with severe trauma and attachment disorders—one of only a handful of such centers in America.

Chaddock also has an outstanding program that works with families who have adopted children, helping the children and their new families to develop strong, loving bonds. I understand that this program has helped families from more than 20 States.

In recent years, Chaddock has risen to meet another critical need: helping children and adolescents move from foster care to adoption.

Gene Simon was born and raised on a family farm in Farmersville, IL. His parents, Eldon and Beryl Simon, owned a grain and livestock farm.

Dr. Simon holds a bachelor of science degree in agriculture from Southern Illinois University in Carbondale, a master's degree in human development counseling from the University of Illinois-Springfield, a master's of divinity degree from Garrett Evangelical Theological Seminary at Northwestern University in Evanston, IL, and a doctoral degree from Nova Southeastern University in Fort Lauderdale, FL.

From 1959-1971, he served as a United Methodist minister in the Illinois communities of Iroquois, Pontiac, Moweaqua, and Decatur.

With the importance Gene Simon places on family, it should come as no surprise that he is deeply committed to his own family, including his wife Peggy, who has been a constant partner in his work at Chaddock. Gene and Peggy Simon take great pride in their two sons, Chris and Paul, and four grandchildren.

The outstanding work of Gene Simon and the Chaddock staff has brought the agency much praise and many awards.

In 2001, the United Methodist Association of Health and Welfare Ministries honored Dr. Simon as one of the association's Administrators of the Year. And this year, the United Methodist Association named Chaddock its Organization of the Year—so Dr. Simon is going out on a high note.

But the testimonials that mean the most to Gene Simon are not from professional committees; they are from the young men and women who have found new hope at Chaddock.

I would like to close with a quote from one of those testimonials—from a former student of Chaddock. "Gene

Simon and this Chaddock family were here for me when I needed them most. The lessons I learned at Chaddock, such as dealing with emotions and just the everyday needs for love, care, and concern for myself and others, have helped me to become me . . . a good husband, father, employee, and a great friend to many."

Imagine thousands of similar testimonials and you begin to see the tremendous amount of good he has done and the positive difference he has made in the lives of so many young people and families who have walked through the doors at Chaddock over the years.

On a personal note, Gene has been a source of friendship and inspiration to me for many years. He has helped me understand the reality of the human condition and he has reminded me never to give up on a person in need.

I wish Gene Simon well in his retirement, and I know that the difference his life has made will continue to be felt by the many people he has helped

### HONORING OUR ARMED FORCES

SPECIALIST JEREMY JONES

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army SPC Jeremy Jones from Nebraska. Specialist Jones died of wounds received from a roadside bomb in Iskandariyah, Iraq on June 27. He was 25 years old.

Specialist Jones was a resident of Omaha and graduated from Millard West High School in 1999, where he competed in football and wrestling. He enlisted in the Army in 2003, shortly after being married to his wife Jenny. He was deployed to Iraq in November, serving with the Army's 1st Battalion, 67th Armored Regiment of Fort Hood, TX. Specialist Jones hoped to make a career in the Army. In April, he reenlisted for another 6 years.

In February, Specialist Jones flew from Iraq to Omaha to see his newborn daughter Mackenzie for the first time. He was a proud father, and he was proud of his service to his country. Thousands of brave Americans like Specialist Jones are currently serving in Iraq.

In addition to his daughter and wife, Specialist Jones is survived by his son Anthony; his mother Diane; his father Scott; and his sister Abbi. Our thoughts and prayers are with them at this difficult time. America is proud of Specialist Jones' heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring SPC Jeremy Jones.

### HAMDAN V. RUMSFELD

Mr. LEVIN. Mr. President, today the Supreme Court ruled in the case of Hamdan v. Rumsfeld that Congress did not intend to strip Federal courts of jurisdiction over pending habeas corpus

cases when it passed the Detainee Treatment Act of 2005. The Court got it right.

The original amendment offered by Senator GRAHAM on the Senate floor, and which passed the Senate by a vote of 49 to 42, contained language that would have stripped the Federal courts of habeas corpus jurisdiction in both pending and future cases brought by detainees at Guantanamo. The amendment specifically stated that the jurisdiction-stripping provision "shall apply to any application or other action that is pending on or after the date of the enactment of this Act."

However, this language was removed from the provision by the subsequently adopted Graham-Levin amendment. The Graham-Levin amendment passed the Senate by a vote of 84 to 14, and replaced the earlier Graham amendment in the bill. The legislative history makes clear that the jurisdiction-stripping provisions did not apply to pending habeas corpus cases.

The day before the Senate adopted the Graham-Levin modification, I said on the Senate floor: "The amendment will not strip the courts of jurisdiction over [pending] cases. For instance, the Supreme Court jurisdiction in Hamdan is not affected." Despite efforts by the House of Representatives during our conference with the House to reinsert language stripping the courts of jurisdiction over pending habeas corpus cases, the final text of the Detainee Treatment Act retained the language of the Graham-Levin amendment.

In today's decision, the Supreme Court, applying "ordinary principles of statutory construction," determined that Congress did not intend to strip the courts of jurisdiction in pending habeas cases. The Court held that "Congress' rejection of the very language that would have achieved the result the Government urges here weighs heavily against the Government's" argument that the jurisdiction-stripping language should be interpreted to be retroactive. That was, indeed, the only conclusion that is supported by the language and legislative history of the Detainee Treatment Act.

The substance of the ruling in Hamdan establishes that the President, acting alone, lacks the power to unilaterally determine the legal rights of detainees at Guantanamo Bay, Cuba. Only Congress and the President, acting together, have the power to make such a determination, the Court ruled. Today's decision demonstrates once again the vital constitutional role of the Supreme Court as a check on the actions of the executive and legislative branches of Government.

I believe that Congress should give this issue careful deliberation, including full committee hearings, before we act. I look forward to thorough hearings in the Armed Services Committee this summer in anticipation of consideration of possible legislation in the fall.